

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re Ex Parte Application of Clara Moussa
Boustany for an Order Pursuant to 28 U.S.C.
§ 1782 Granting Leave to Obtain Discovery
for Use in a Foreign Proceeding

Misc. Action No. 24-MC-91065-AK

**MEMORANDUM AND ORDER ON JOINT MOTION REQUESTING ENTRY OF ONE
OF TWO COMPETING PROPOSED PROTECTIVE ORDERS**

ANGEL KELLEY, D.J.

On August 5, 2024, the Court granted Petitioner Clara Moussa Boustany (“Moussa Boustany”) permission to seek discovery from Respondent President and Fellows of Harvard College (“Harvard”) for use in a foreign divorce proceeding. [Dkt. 25]. The Court instructed the parties to submit a joint proposed protective order by September 3, 2024. [*Id.* at 7]. On that date, Moussa Boustany, Harvard, and Fadi Boustany (“Boustany”) filed a joint motion to resolve a dispute regarding the redaction of financial account and routing numbers that Harvard may produce. [Dkt. 27].

Boustany relies on Federal Rule of Civil Procedure 5.2 (“Rule 5.2”), which addresses privacy and security concerns related to public access to court filings, whether paper or electronic. Under Rule 5.2, court filings should not include an individual’s full social security number, full birth date, full name of a minor, or complete financial account number. *See* Fed. R. Civ. P. 5.2. Instead, only the last four digits of a social security number, the year of birth, a minor’s initials, and the last four digits of a financial account number may be included. *Id.* Limited exemptions exist, as outlined in Rule 5.2(b)(1)-(6), covering records from administrative or agency proceedings, financial account numbers related to forfeiture proceedings, records from

state-court proceedings, court records not subject to redaction when originally filed, filings under Rule 5.2(c) or (d), and certain *pro se* filings.

Moussa Boustany seeks full access to financial account information to “uncover [Boustany]’s assets” in connection with the divorce proceedings before the Monégasque court. [Dkt. 27 at 3]. Conversely, Boustany requests that all financial account numbers of parties and non-parties be redacted, displaying only the last four digits. [Id. at 5]. While Moussa Boustany does not object to the redaction of passwords and social security numbers, she opposes redacting account and routing numbers, asserting that the Court’s prior ruling entitles her to access this information, which is critical for uncovering Boustany’s assets for the divorce proceedings. [Id. at 2-3]. She proposed limiting access to the full account information to her lawyers and the Monégasque court; however, Boustany rejected this offer. [Id. at 4]. Boustany contends that previous leaks of his personal information necessitate redacting full account numbers to their last four digits. [Id. at 3, 5]. Both parties submitted their respective proposed protective orders. [See Dkts. 27-1; 27-2]. The Court finds that while financial account numbers are typically redacted to their last four digits for filings with the court in accordance with Rule 5.2, there is a distinction between disclosure between parties during discovery.

Consequently, this Court **ADOPTS** the Stipulation and Confidentiality Order as provided at Dkt. 27-1. If any document containing a financial account or routing number is filed in the Monégasque court, the parties must comply with the rules and orders of that court. Should any subsequent filing containing a financial account or routing number occur in this district, it must adhere to the protective order to be entered by this Court and Rule 5.2. This approach balances the public’s presumptive right of access to judicial documents with Boustany’s privacy concerns.

This Order does not diminish the necessity for protective measures and the parties are reminded of their obligation to remain vigilant in controlling access to the disclosed information.

SO ORDERED.

Dated: November 25, 2024

/s/ Angel Kelley

Hon. Angel Kelley
United States District Judge